IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 816 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PATEL VIRAMBHAI RAMDAS - Applicant(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR HARDIK C RAWAL for Applicant(s) : 1,
Mr HL Jani, Addl.PUBLIC PROSECUTOR for Respondent(s) : 1,
Ms. Jyoti Mehta for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 19/01/2007

ORAL JUDGMENT

1. Rule, of which service is waived by learned APP on behalf of respondent no.1 and learned advocate,

Ms. Jyoti Mehta for respondent no.2. The amendment, as per draft amendment submitted today, is allowed.

2. The petitioner has preferred this revision application from the judgment and order in Criminal Appeal No.6 of 2006 wherein the order of the trial court, convicting the petitioner for the offence punishable under section 138 of the Negotiable Instruments Act, 1881 and the sentence of simple imprisonment for 18 months and a fine of Rs. 5,000/-, is confirmed with an additional direction to pay to the original complainant a sum of Rs. One lakh by way of compensation.

3. Learned counsel for the parties have submitted a deed of compromise, according to which by intervention of some respected persons of their caste, the parties have permanently settled their dispute and the petitioner has paid a total amount of Rs.1,25,000/- to the original complainant towards the payment of principal amount as well as expenses. The parties have requested for approval to compounding of the offence and for setting aside the order of

conviction and sentence, and the deed of compromise is submitted in the Court and confirmed by the original complainant who was present in the court and was identified by the learned advocate Mr R.K. Thakkar.

4. Learned counsel have also relied upon the judgment of the Supreme Court in ***Sailesh Shyam Parsekar v. Baban alias Vishwanath S. Godge and anr.*** **(2005 AIR SCW 3358)** and requested to pass an order on the same lines.

5. Accordingly, by consent, the petition is allowed, and the conviction and sentence of the petitioner are set aside in view of the compromise and he is acquitted of the charge. Rule is made absolute with no order as to costs. Direct Service today is permitted.

sd/-
[D. H. Waghela, J.]

msp